

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-32 were originally pending in this application. Claims 11-29 have been withdrawn from consideration. As a result, claims 1-10 and 30-32 are currently pending. Claims 1, 9, 10, 30, 31 and 32 are independent. Applicant notes that non-elected claims 11-29 were inadvertently indicated as "cancelled" in the previous Amendment filed April 11, 2003 where identifier "WITHDRAWN" should have been used instead. Applicant respectfully requests that the cancelled claims be reinstated as "withdrawn" claims as shown in the claim listing herein in the event that a generic claim is allowed in this case.

Claims 1, 2, 3, 7, 8, 9, 10, 30, 31 and 32 have been rejected under 35 U.S.C. §102(e). Claims 5 and 6 have been indicated as allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, to include all of the limitations of the base claim and any intervening claims.

Rejection under 35 U.S.C. §102

In paragraph six (6) of the Office Action, claims 1-3, 7-10, 30 and 31 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,689,442 to Swanson et al. ("Swanson").

Swanson discloses a surveillance system to capture images and sounds concerning events for storage in a random access data store. The system includes a video camera to take pictures

and sensors to detect the events. A data management functionality is provided to dynamically manage storage of information in the data store, i.e., no longer wanted information is deleted to make room in storage for subsequently captured information.

A portion of Swanson cited by the Examiner further describes as follows:

By means of the transceiver 70, the remote location can command the downloading of recorded information from the data storage device 18 at predetermined times (for example, after a shift is completed). Alternatively, the system 100 could be commanded to download recorded data while the system is being used thereby freeing up memory in the data storage device 18 for storage of information concerning subsequent events of interest. Along the same lines, the data management functionality 44 may command such a download in situations where available space in the data storage device reaches a critically low level. (col. 10, lines 23-33 of Swanson)

Independent claims 1, 9, 10, 30 and 31 have been amended for further clarification. In particular, claim 1 as amended recites “selecting means for automatically selecting an image signal when said memory control means decides that the photographing is impossible in a photographing mode of said image pickup means because of required amount of said image memory means for the photographing in said photographing mode is not available.” In other words, amended claim 1 specifically recites a conditional relationship between the photographing mode of the image pickup means and a required storage space of a image memory. Each of claims 9, 10, 30 and 31 has been amended similarly. Applicant believes that Swanson fails to show or suggest this aspect of invention as featured in claims 1, 9, 10, 30 and 31 as amended.

Accordingly, Applicant believes that each of amended claims 1, 9, 10, 30 and 31 is neither anticipated by nor rendered obvious in view of Swanson for at least the reasons discussed

above.

Claims 32 has been amended to depend from claim 31 and incorporates each and every element of claim 31. Accordingly, claim 32 is also neither anticipated by nor rendered obvious in view of Swanson for the similar reasons as discussed above.

In paragraph four (4) of the Office Action, claim 32 has been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,094,219 to Roberts et al. ("Roberts"). In paragraph five (5) of the Office Action, claim 32 has been further rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,263,106 to Yamagata ("Yamagata").

Applicant notes that Roberts discloses a compression method of an electronic camera in which the compression is performed based on the resolution of the pictures taken freeing up the memory space of the camera system. Applicant also notes that Yamagata teaches a data processing method in which image data are transferred between memories to save the storage space of the memories.

However, neither Roberts nor Yamagata shows or suggests at least one aspect of the invention as featured in claim 31 as amended (i.e., the relationship between a photographing mode and a required amount of image memory). Accordingly, claim 32, in depending from claim 31, is neither anticipated by nor rendered obvious in view of Roberts and Yamagata, taken either alone or in combination, for at least the reasons as discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 9, 10, 30, 31 and 32 under 35 U.S.C. §102(e) is respectfully requested.

Rejection under 35 U.S.C. §103

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Swanson in view of U.S. Patent No. 5,829,044 to Sono.

Sono is cited as disclosing the “accessing frequency” of claim 4. Applicant notes that a portion of Sono describes:

From the result of the retrieval, the multimedia data control means 55 sequentially deletes the main data stored in the HDD 4 starting from the least recently accessed data until a sufficient empty area to store the newly transferred data is secured (step S123) (col. 7, lines 19-23 of Sono)

Sono, however, fails to show or suggest at least one aspect of claim 1 as amended, i.e., the relationship between a photographing mode and a required amount of image memory. Accordingly, claim 4, incorporating each and every element of claim 1 due to its dependency, is neither anticipated by nor rendered obvious in view of Swanson and Sono, taken either alone or in combination, for at least the reasons as discussed above.

In paragraph nine (9) of the Office Action, claim 31 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamagata in view of U.S. Patent No. 6,243,108 to Takiyama et al. (“Takiyama”). The Examiner indicates that Takiyama discloses the automatic selection feature of claim 31 for which Yamagata lacks.

As discussed above, amended claim 31 further recites the relationship between a photographing mode and a required amount of image memory. As Applicant understands it, neither Yamagata nor Takiyama show or suggest at least this feature of claim 31 as amended.

Accordingly, claim 31 is neither anticipated by nor rendered obvious in view of Yamagata and Takiyama, taken either alone or in combination, for at least the reasons discussed

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Amendment dated September 25, 2003
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above.

Reconsideration and withdrawal of the rejections of claims 4 and 31 under 35 U.S.C.

§103(a) is respectfully requested.

Applicant has not individually addressed the rejections of all of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

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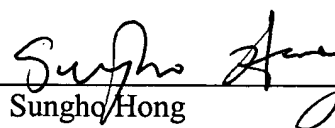
AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4440). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: September 25, 2003

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